

DISCUSSION OF THE AMENDMENT

Due to the length of the specification herein, Applicants will cite to the paragraph number of the published patent application (PG Pub) of the present application, i.e., US 2007/0082831, when discussing the application description, both in this section and in the Remarks section, *infra*, rather than to page and line of the specification as filed.

Claim 1 has been rewritten to claim a method of operating a dishwasher, although the scope of the claim has not been changed. Claim 7 has been canceled.

New Claims 8-20 have been added. Claims 8-10 are supported in the specification at paragraph [0042]. Claims 11-13 are supported in the specification at paragraph [0043]. Claim 14 is supported in the specification at paragraph [0060]. Claims 15 and 17 are supported in the specification at paragraph [0065]. Claim 16 is supported in the specification at paragraph [0066]. Claim 18 is supported in the specification at paragraph [0067]. Claims 19 and 20 are supported in the specification at paragraph [0065] together with original Claim 7.

Finally, the previously-pending claims have been changed from plural to singular form regarding the copolymer, although it is understood that in the preparation of a copolymer, a mixture of copolymers is the inevitable result, which mixture is not intended to be excluded from the claims. The new claims are consistent with this change.

No new matter is believed to have been added by the above amendment. Claims 1-6 and 8-20 are now pending in the application.

REMARKS

At the outset, it appears that the Examiner has overlooked the Preliminary Amendment filed April 26, 2006. Since the prior art rejections, discussed below, would appear to apply to the claims pending as of the Preliminary Amendment as well as the original claims, Applicants respectfully submit that administrative economy is furthered by responding to the rejections on the merits now, rather than wait for a new or supplemental Office Action directed to the preliminary-amended claims. However, in view of the failure to consider these claims, Applicants respectfully submit that the next Office Action, if not a Notice of Allowance, not be made FINAL.

The rejection of Claims 1-7 under 35 U.S.C. § 102(e) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over, US 2003/0158361 (Yoneda et al), is respectfully traversed. Yoneda et al discloses four embodiments of an invention, referred to as “aspects” therein, the Examiner relying on the disclosure of the third aspect, which is directed to an unsaturated polyalkylene glycol type copolymer, wherein the copolymer is produced by copolymerizing a (meth)acrylic acid type monomer A and an unsaturated polyalkylene glycol type monomer B, the copolymer possessing a sulfur oxygen added at the terminal thereof [0152]. The Examiner particularly relies on Example 45 thereof.

In reply, for all aspects of their invention, Yoneda et al discloses their copolymers as water type dispersants, descaling agents, cement additives, and detergent builders [0003]. Yoneda et al neither discloses nor suggests the presently-recited method of operating a machine dishwasher wherein the presently-recited copolymers act as deposit-inhibiting additives during the rinse cycle of the dishwasher. Accordingly, it is respectfully requested that this rejection be withdrawn.

The rejection of Claims 1-7 under 35 U.S.C. § 103(a) as unpatentable over JP 03-185184 (Fukuda), is respectfully traversed. Fukuda is drawn to a washability-improving

agent for fiber products, at the time of desizing, scouring, bleaching or soaping, or at the time of mercerizing of cotton, the alkali weight-reduction of polyester or for the cleaning of dyeing vessels (paragraph bridging pages 2 and 3 of the English translation). Fukuda discloses and suggests nothing with regard to operating a machine dishwasher. Accordingly, it is respectfully requested that this rejection be withdrawn.

The rejection of Claims 1-7 under 35 U.S.C. § 103(a) as unpatentable over JP 2000-24691 (Ishikawa), is respectfully traversed. Ishikawa discloses a particular water-soluble copolymer as a scale inhibitor for inhibiting silica scale, and having a weight average molecular weight of greater than 50,000 to 3 million. Ishikawa further discloses that their copolymers are added to boiler water systems, geothermal water systems, open or closed circuit cooling water systems and single pass cooling water systems and the like [0026]. Ishikawa neither discloses nor suggests using their copolymer during the operation of a machine dishwasher.

New Claims 8-10 are separately patentable, since the recited molecular weight therein is outside the range disclosed by Ishikawa.

For all the above reasons, it is respectfully requested that this rejection be withdrawn.

The provisional rejection of Claim 7 under 35 U.S.C. § 101 as claiming the same invention as that of Claim 20 of copending Application No. 10/516,201 ('201 application), is respectfully traversed. Indeed, the rejection is now moot in view of the above-discussed amendment. Accordingly, it is respectfully requested that the rejection be withdrawn.

The provisional rejection of Claims 1-7 on the ground of nonstatutory obviousness-type double patenting over Claims 1-7 and 10-11 of copending Application No. 10/515,638 ('638 application), is respectfully traversed. The Examiner is respectfully requested to hold the rejection in abeyance until the present claims are found to be allowable but for this rejection or the copending application has been patented. See M.P.E.P. 822.01.

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For all the above reasons, it is respectfully requested that the provisional rejection be held in abeyance, if not withdrawn.

Also, **submitted herewith** is a certified English translation of Applicants' priority application DE 10350420.6, filed October 28, 2003. The Examiner is respectfully requested to find that Applicants are entitled to their foreign priority date.

The rejections of Claims 1-7 under 35 U.S.C. § 112, second paragraph, and of Claim 1 under 35 U.S.C. § 101, are respectfully traversed. Indeed, in view of the above-discussed Preliminary Amendment, not considered by the Examiner, these rejections are moot. Accordingly, it is respectfully requested that they be withdrawn.

All of the presently-pending claims in this application are now believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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